

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 1640 – HB 2139

March 6, 2018

SUMMARY OF ORIGINAL BILL: Reduces the ticket refund time period policy from 180 to 120 days from the date of cancellation of a nonprofit-produced performance or event which was cancelled due to a natural disaster. Such policy is only applicable to performances and events produced by a nonprofit with a payroll exceeding \$100,000. Removes language establishing retroactive application of such refund policy, which currently extends back to January 1, 1998.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

IMPACT TO COMMERCE OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (013082): Deletes all language after the enacting clause. Establishes that the use of a trade name or trademark, or a confusingly similar trade name or trademark of any place of entertainment, or the name of any event, person, or entity scheduled to perform at a place of entertainment in the domain or subdomain of a ticket marketplace URL without obtaining authorization from the place of entertainment, event, person, or entity prior to use, is an unfair or deceptive act or practice affecting the conduct of trade or commerce pursuant to the *Tennessee Consumer Protection Act of 1977* and an infringement to the *Tennessee Trade Mark Act of 2000*.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Committing an unfair or deceptive practice under the *Consumer Protection Act of 1977* is a Class B misdemeanor offense.
- Pursuant to Tenn. Code Ann. § 40-35-111(e)(2), the fine for a Class B misdemeanor shall not exceed \$500.

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- There will not be a sufficient number of Class B misdemeanor prosecutions for state or local government to experience any significant increase in fine revenue or expenditures.
- Pursuant to Tenn. Code Ann. § 47-25-514, the court may require a defendant to pay all profits derived from and/or all damages suffered by reason of such wrongful manufacture, use, display or sale as penalty for violation of the *Tennessee Trade Mark Act of 2000*.
- Any fiscal impact will be borne by private parties; therefore, no fiscal impact to state or local government.
- The Division of Consumer Affairs can handle any increase in formal complaints, utilizing existing staff during normal work hours.

IMPACT TO COMMERCE WITH PROPOSED AMENDMENT:

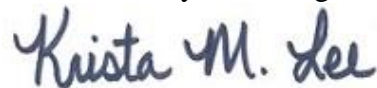
Unchanged from the original fiscal note.

Assumption for the bill as amended:

- Passage of this legislation is not anticipated to have any significant impact on commerce or jobs in Tennessee.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista M. Lee, Executive Director

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